

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

NO. CR-09-0059-JLQ

V.

ORDER ON PENDING MOTIONS

FABIAN VAKSMAN,

Defendant.

BEFORE THE COURT are numerous pending motions; the Defendant's three Motions to Dismiss (Ct. Recs. 27, 41, 46), filed *pro se* despite his representation by appointed counsel, the Defendant's Motion to Dismiss (Ct. Rec. 49) made through counsel, the Defendant's Motion for Discovery (Ct. Rec. 48), the Defendant's Motion to Suppress (Ct. Rec. 51), and the Defendant's *ex parte* Motion to Withdraw (Ct. Rec. 59). The court heard oral argument on these motions on June 5, 2009. Jill Bolton represented the Government. Robert Fischer represented the Defendant, who was present. This Order is intended to memorialize and supplement the oral rulings of the court. Accordingly,

IT IS HEREBY ORDERED:

1. The Defendant's *pro se* Motions to Dismiss (Ct. Recs. 27, 41, 46) are **DENIED** as the issues raised therein are completely and more comprehensibly addressed in the Motion to Dismiss filed by counsel.

2. Ruling on the Defendant's Motion to Dismiss (Ct. Rec. 49) is **RESERVED**.

The Government shall serve and file any Response on or before **June 12, 2009**.

3. The Defendant's Motion for Discovery (Ct. Rec. 48) is **GRANTED** to the extent stated in court and herein. The Government shall forthwith furnish to the Defendant clean copies of discovery materials previously affected by the copying of highlighted passages. Any documents containing redactions shall be furnished to the court *ex parte* (one clear and one redacted copy). The court will than rule upon the efficacy of any redactions.

4. The Defendant's Motion to Suppress (Ct. Rec. 51) is **DENIED**, the court finding probable cause existed justifying the issuance of the search warrant. The court further found that the search warrant was not over broad.

5. The Defendant's appointed attorney's *ex parte* Motion to Withdraw (Ct. Rec. 59) is **DENIED** as the Defendant and his counsel have resolved representational issues to their and the court's satisfaction.

6. All scheduling dates previously issued by the court remain in full effect. Proposed jury instructions, jury voir dire, and trial briefs shall be served and filed on or before **June 26, 2009**. The jury trial shall commence on **July 6, 2009**.

The Clerk is hereby directed to enter this Order and furnish copies to counsel.

DATED this 5th day of June, 2009.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE